



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,930	06/13/2006	Friedrich Luellau	LUELLAU ET AL-1 PCT	6866
25889	7590	05/28/2010		
COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			EXAMINER CHACKO, SUNIL	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 05/28/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/577,930	Applicant(s) LUELLAU ET AL.	
	Examiner SUNIL CHACKO	Art Unit 2625	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 May 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/Benny Q Tieu/
 Supervisory Patent Examiner, Art Unit 2625

/SUNIL CHACKO/
 Examiner, Art Unit 2625

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues on Page 5 of Response to the Final Office Action, regarding claims 1 & 11, that Uemura does not teach "imaging optics for projecting of the part picture onto the light-sensitive material." Examiner respectfully disagrees Uemura teaches that the light sources Ch1 through Chm emit light onto a recording film, see paragraph 19. The light sources are imaging optics, and they are projecting a picture which will be developed on the film to create a two dimensional image, see paragraph 8.

Applicant also argues that because Uemura uses lenses 20 and 22 and because they expose only a single point it is impossible to project a complete two dimensional part picture on the film. As a result of this applicant argues that the Uemura's apparatus can not be regarded as "imaging optics for projecting of the part picture onto the light sensitive material." Examiner respectfully disagrees, in Fig 4. Uemura shows an image that has been created using Uemura's apparatus. This image clearly shows a 2-dimensinal image with width and height. Uemura projects parts of image onto the film that when combined create a two-dimensional image. Uemura teaches in paragraphs 8 & 18 that printing a high-quality two dimensional image is the primary purpose the apparatus. Applicant only claims representing a two-dimensional part picture and not projecting a two dimensional part picture.

Applicant argues on Page 5, regarding claims 1 & 11 that Uemura is not able to scroll a picture strip of the master image through a light modulator. Examiner respectfully disagrees, Uemura teaches that a recording film is mounted on a rotation drum, see paragraph 18. The drum rotates, causing a film to be scrolled in the path of the light modulator so that the image can be outputted on the film. When the drum rotates to the position where the light modulator is directly above the drum, the position of the film on the drum and the light source would be parallel relative to each other.

Applicant also argues on page 6, that Shirota et al. or other references fails to teach an intermediate memory for storing a strip like region of the master image. Examiner respectfully disagrees, Uemura the primary source teaches line buffers that store the master image in strips sot that it can be outputted quickly onto the recording film by laser diodes, see paragraph 22.

In response to applicant's argument that there is no teaching, suggestion, or motivation to combine the references, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In this case, Shirota e al. teaches that spatial light modulators such as digital micro mirror devices are used to write a fine pattern or used to record images, see column 1 lines 10-15.

Applicant also argues that Shirota et al. and Isono et al. fail to teach the deficiencies of Umea. Examiner respectfully disagrees, see arguments above.